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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,422	11/24/2000	Mikael Hedlund	040010-898	1599
27045	7590	09/20/2004	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			CHO, HONG SOL	
			ART UNIT	PAPER NUMBER
			2662	5

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,422

Applicant(s)

HEDLUND ET AL.

Examiner

Hong Cho

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Specification

1. The specification is objected to because it includes the section on the claim of foreign priority on the first page. It should be removed.

The specification is objected to because it includes an unnecessary line in the abstract. A line reading "Figure for publication: Figure 2a" should be removed from the abstract

The specification is objected to because the title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claims 1-9 are objected to because of the following informalities:

Re claim 1, for the purpose of clarity,

- “,” should be replaced with “;” wherever appropriate and insert “:” at the end of line numbers 2 and 16
- should add “; and” at the end of line number 7 and “while” in line number 25 should be replaced with “and”

Re claims 1-5, for the purpose of clarity, the indication to the figure elements should be removed.

Re claim 2, for the purpose of clarity, add “:” at the end of lines 3 and 13 and add “and” at the end of line number 15.

Re claims 2-9, for the purpose of clarity, the phrase “the step(s) of :” should be added after the phrase “characterized in”.

Allowable Subject Matter

3. Claims 1-9 are allowed.

The following is an examiner’s statement for reasons for allowance.

4. Claims 1-9 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a method of allocating and controlling downlink power in CDMA system by comparing accumulated power requests of mobile stations with the maximum system power of the base station in deciding whether to accept or reject power requests and utilizing admission and congestion control measures, respectively. It is noted that the closest prior art, Cordier et al. (US Patent 6765897) shows a method of adjusting the downlink power level of the base station by using Transmit Power Control (TPC) signal, but fails to disclose utilizing admission control measures in accepting power requests and congestion control measures in rejecting power requests as required by the claimed invention.


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- US Patent (6226277) to Chuah discloses a method for admitting new connections based on usage priorities
 - US Patent (6708041) to Butovitsch et al. discloses a base station power control in a CDMA system
 - US Patent (6212174) to Lomp et al. discloses capacity management for CDMA system
 - US Patent (6606341) to Kanterakis et al. discloses common packet channel with firm handoff
 - US Patent (6639934) to Engstrom et al. discloses power control in a CDMA system
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Art Unit: 2662

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hong Cho
9-9-2004
Art Unit 2662


RICKY NGO
PRIMARY EXAMINER
9/17/04